

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

BRET HERSPOLD and ) C/A: 4:14-cv-03418-RBH  
ERIKA BUCHANAN, on behalf of )  
themselves and all others similarly situated, )  
Plaintiffs, )  
v. ) **RULE 16 ORDER**  
KING KONG SUSHI BAR & GRILL, )  
LLC; TKM ENTERPRISES, LLC; and )  
KYUWON CHOI, individually, )  
Defendants. )

The Plaintiffs, Bret Herspold (“Herspold”) and Erika Buchanan (“Buchanan”), on behalf of themselves and all others similarly situated, and all of the filed Opt-Ins to date (all jointly “Plaintiffs”) and Defendants King Kong Sushi Bar & Grill, LLC (“KKS”); TKM Enterprises, LLC (“TKM”); and Kyuwon Choi (“Choi”) (KKS; TKM; and Choi; collectively “Defendants”), by and through their counsel, hereby jointly move this Honorable Court for an Order, pursuant to FRCP 16. Plaintiffs and Defendants have decided to schedule mediation now, rather than waiting until after discovery has completed; however, Plaintiffs wish to toll the statute of limitations for all putative class members under the latest Amended Complaint. Thus,

**IT IS ORDERED:**

1. The statute of limitations will be tolled effective May 19, 2015 and will end July 10, 2015, unless extended by Plaintiffs and Defendants, which extension can be confirmed via emails between attorneys.
  2. This Tolling Agreement does not revive any claim that is otherwise already barred

Order Under Rule 16  
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by the applicable statute of limitation or other time-related defense as of May 19, 2015, and Defendants do not waive any statute of limitation or other time-related defense as to any such claim.

**IT IS SO ORDERED.**

FLORENCE, SC

May 21, 2015

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge